

BURMA

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	Nov 68	Decree	12nm	
	Apr 77	Territorial Sea & Maritime Zones Law, Law No. 3	12nm	Foreign warships must obtain permission prior to transiting territorial sea. This requirement is not recognized by the U.S. U.S. protested requirement in 1982 and conducted operational assertions in 1985, 1989, 1991-1994 and 1996.
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Nov 68	Decree		Established straight baselines; range from 7nm to 223nm (in the Gulf of Martaban). See <u>LIS</u> No. 14. This claim is not recognized by the U.S. U.S. protested claim in 1982 and conducted operational assertions in 1985 and 1989.
	Apr 77	Law No. 3		Amendment to system: substituted West Canister Island for Cabusa Island.
III. CONTIGUOUS ZONE	Apr 77	Law No. 3	24nm	Security jurisdiction claimed within contiguous zone; no specific restrictions. This claim is not recognized by the U.S. U.S. protested claim in 1982 and conducted operational assertions in 1985, 1988 and 1989.
IV. CONTINENTAL SHELF	Apr 77	Law No. 3	200nm/ CM	Claimed same exclusive jurisdiction as in EEZ.
V. FISHING ZONE/EEZ	Apr 77	Law No. 3	200nm	EEZ: claimed authority to subject freedom of navigation and of overflight to broad restrictions. These claims are not recognized by the U.S. U.S. protested claims in 1982.
VI. ENVIRONMENTAL REGULATION	Apr 77	Law No. 3	200nm/ CM	
VII. MARITIME BOUNDARIES	Apr 82	Agreement		Maritime boundary agreement with Thailand EIF. See <u>LIS</u> No. 102.
	Sep 87	Agreement		Maritime boundary agreement with India on the delimitation of the Andaman Sea in the Coco Channel and in the Bay of Bengal, EIF.
VIII. LOS CONVENTION	Dec 82			Signed.
	May 96			Became a party to Convention and Part XI Agreement.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION.

Following is the text of a decree of the Government of Burma issued 15 November 1968:

WHEREAS International Law has always recognized that the sovereignty of a State extends to a belt of sea adjacent to its coast, AND WHEREAS international practice is not uniform as regards the extent of this sea belt commonly known as the territorial sea of the State, and consequently it is necessary to make a declaration as to the extent of the territorial sea of the Union of Burma, the Chairman of the Revolutionary Council of the Union of Burma hereby declares--

1. That notwithstanding any rule of law or practice to the contrary which may have been observed in the past relating to the Union of Burma or any part thereof, the territorial sea of the Union of Burma shall extend into the sea to a distance of twelve nautical miles measured from the appropriate base line.
2. Except as provided for in paragraph 3, the low-water line along the coast, as marked on large-scale charts officially recognized by the Government of the Union of Burma, shall be the base line for measuring the breadth of the territorial sea of the Union of Burma.
3. That where it is necessary by reason of the geographical conditions prevailing on the Union of Burma coasts, and for the purpose of safeguarding the vital economic interest of the inhabitants of the coastal regions, to establish the system of straight base lines drawn between fixed points on the mainland, on islands or rocks, the breadth of the territorial sea shall be measured from such base lines. The fixed points between which such straight base lines shall be drawn are indicated in detail in the schedule annexed to this declaration.
4. That where a single island, rock, or a composite group thereof, is situated seawards from the main coast or straight base lines, it shall have independent territorial sea extending twelve nautical miles from the low-water line along its coasts.

SCHEDULE

1. ARAKAN COAST

(a) Southern Point of OYSTER ISLAND	Lat 20° 11' 49" N Long 92° 32' 19" E
(b) BORONGA POINT	Lat 19° 48' 30" N Long 93° 01' 42" E
(c) SOUTH TERRIBLES	Lat 19° 22' 56" N Long 93° 16' 20" E
(d) Western Point of HENRY ROCKS	Lat 19° 51' 48" N Long 93° 26' 15" E
(e) Western Point of NERBUDDA ISLAND	Lat 18° 20' 50" N Long 93° 56' 25" E
(f) St. JOHN's or CHURCH ROCKS	Lat 17° 27' 30" N Long 94° 19' 46" E
(g) NORTH WEST GROUP	Lat 16° 55' 28" N Long 94° 12' 45" E
(h) KORONGE ISLAND	Lat 16° 31' 20" N Long 94° 14' 21" E

(i) SOUTH ROCK	Lat 16° 18' 55" N Long 94° 11' 20" E
(j) BLACK ROCK	Lat 16° 11' 50" N Long 94° 10' 50" E
(k) ALGUADA REEF (PATHEIN LIGHT)	Lat 15° 42' 13" N Long 94° 12' 06" E

2. GULF OF MARTABAN

(a) ALGUADA REEF (PATHEIN LIGHT)	Lat 15° 42' 13" N Long 94° 12' 06" E
(b) Western Point of LONG ISLAND	Lat 14° 24' 15" N Long 97° 46' 01" E

3. TENASSERIM COAST

(a) Western Point of LONG ISLAND	Lat 14° 24' 15" N Long 97° 46' 01" E
(b) NORTH ISLAND	Lat 14° 09' 00" N Long 97° 46' 54" E
(c) West CANISTER ISLAND*	Lat 12° 41' 30" N Long 97° 43' 40" E
(d) Northern Point of SAURIM ISLAND	Lat 12° 30' 30" N Long 97° 47' 42" E
(e) Western Point of H. PRINCEP ISLAND	Lat 12° 03' 03" N Long 97° 38' 00" E
(f) GREAT WESTERN TORRES	Lat 11° 47' 15" N Long 97° 26' 15" E
(g) North Western Point of NORTH TWIN	Lat 10° 38' 15" N Long 97° 41' 45" E
(h) Western Point of SOUTH TWIN	Lat 10° 28' 12" N Long 97° 40' 45" E
(i) WESTERN ROCKY ISLAND	Lat 9° 51' 24" N Long 97° 52' 18" E
(j) HAYCOCK ISLAND	Lat 9° 40' 45" N Long 97° 54' 30" E
(k) Western Point of MURRAY ISLAND	Lat 9° 35' 54" N Long 97° 58' 12" E

B. ANALYSIS. The following analysis of Burma's straight baseline system is extracted from Limits in the Seas, No. 14, "Straight Baselines: Burma," 14 March 1970:

The straight baselines replace the low-water line of the coast with the exception of a narrow band in the north. This narrow band measures approximately 30 nautical miles in length and extends from the Pakistan boundary at the Naaf River to the point a) on Oyster Island. A brief analysis of the straight baselines, taken from large-scale nautical charts, follows:

Point	Length (nm)	Comments
<u>Arakan Coast</u>		
a - b	36.0	Oyster Island is a small isolated island situated approximately 11.4 nautical miles from the mainland. The line a-b deviates from the general trend of the coast by c. 14°.
b - c	30.1	Boronga point is situated at the southern end of Myengun Kyun (isl.). The entire coast from b-c is fringed with islands. Line b-c deviates from the coast at an angle of 12°.
c - d	32.1	The line c-d deviates at an angle of 18° to enclose the large island of Cheduba within the internal waters of Burma.
d - e	42.5	This segment, 8° from the general trend of the coast, terminates at the southern end of the heavily-fringed coastline.
e - f	57.0	The straight baseline averages 18-20 miles offshore. Few islands exist in the neighborhood of the segment although many are situated close to the shore. The line is approximately 12° from the general trend of the mainland.
f - g	33.0	Same general situation but approximately 12 nautical miles from the shore and at an angle of 4°.
g - h	24.5	Same general situation except approaching coast; angle is 15° between segment and general trend.
h - i	13.5	Same but straight baseline now within 3 nautical miles of coast and angle is 2°.
i - j	7.1	Shortest length of straight baseline on the Arakan coast. Straight baseline forms an angle of c. 10° to the general trend of the coast. The segment averages slightly less than 2 nautical miles from the coast.
j - k	29.0	The final point of the Arakan coast is situated on a reef, which has a lighthouse thereon, near the Irrawaddy delta -- 13.8 nautical miles from nearest land. Angle measures c. 12° to the general coastal trend.
<u>Gulf of Martaban</u>		
a - b	222.3	Point a is identical with the point k of the Arakan straight baseline. The closing line a-b is the longest straight baseline encountered in the world. The first segment remains within 12° of the trend of the delta but the eastern two-thirds deviates at an angle of 60°. At one point on the straight baseline, the nearest land is 75 nautical miles away and the mouth of the Sittang is over 120 nautical miles distant.

Point	Length (nm)	Comments
<u>Tenasserim Coast</u>		
a - b	15.5	The straight baseline segment lies slightly over 12 nautical miles from the coast at an angle of 11° from its general direction. A large number of islands (+ 20) are situated close to the segment.
b - c*	80.8	In the north b-c averages nearly 20 nautical miles from the mainland at an angle of 13° from its general direction. The number of islands is not great until south of the Savoy River (13° 31' North).
c* - d	17.9	A very large number of islands fringe the coast for the remainder of its extent southward. For the most part, the straight baseline joins the outermost points. Three islets in this sector, however, are seaward of the straight baseline. The angle to the coast is c. 9°.
d - e	29.0	The angle increases to 19° as the straight baseline extends to include outer islands.
e - f	19.2	The angle is 38° to the general trend of the coast. Basepoint f is situated on a large island, over 75 miles from the mainland.
f - g	71.1	The number of islands in the vicinity of the straight baseline decreases markedly although many still fringe the coast. The angle of the straight baseline is 12° to the general coastal trend.
g - h	10.1	Same but the angle is 9°.
h - i	38.1	The straight baseline draws nearer to the mainland (c. 38 n.m.) and to the fringing islands (c. 9 n.m.). The angle to the general trend of the coast is c. 15°.
i - j	10.8	Same but the angle decreases to c. 10°.
j - k	6.8	The shortest segment of the straight baseline terminates the limits with the southernmost Burmese island. Because the line is trending towards the shore the angle increases greatly, to nearly 40°.
Total		826.4 nautical miles

The twenty-one straight baseline segments total 826.4 nautical miles, forming all but approximately 30 miles of the Burmese baseline. The average segment length is nearly 40 n.m. The maximum length is 222.3 n.m. which forms a closing line for the Gulf of Martaban. At no point does the straight baseline extend seaward of the continental shelf of Burma. None of the base points is situated on the mainland of Burma. The ratio of water-to-land enclosed within the baselines is estimated to exceed 50:1.

*Law No. 3 of 1977 substituted West Canister Island for the western point of Cabusa Island.

c. MARITIME BOUNDARIES

1. BURMA-THAILAND

A. AGREEMENT

The following excerpts from an agreement between the governments of the Socialist Republic of the Union of Burma and the Kingdom of Thailand are extracted from Limits in the Seas, No. 102, "Maritime Boundary: Burma-Thailand," January 30, 1985:

Article 1

1. The maritime boundary between Burma and Thailand in the Andaman Sea is an equidistance line formed by a series of straight lines connecting the nine points specified hereunder in the sequence so specified:

<u>Point No.</u>	<u>Latitude</u>	<u>Longitude</u>
1	9 32'15"	97 56'20"
2	9 34'29"	97 52'10"
3	9 34'54"	97 51'12"
4	9 35'39"	97 45'29"
5	9 36'02"	97 43'29"
6	9 37'24"	97 37'36"
7	9 40'35"	97 26'36"
8	9 45'30"	96 29'35"
9	9 38'00"	95 35'25"

2. That segment of the maritime boundary specified in paragraph 1 of this Article extending from Point No. 1 through Points Nos. 2, 3, and 4 to Point No. 5 shall constitute the boundary between the territorial sea of Burma and the territorial sea of Thailand.

3. That segment of the maritime boundary specified in paragraph 1 of the Article extending from Point No. 5 through Points Nos. 6, 7, and 8 to Point No. 9 shall constitute the boundary between the continental shelf of the Burma and the continental shelf of Thailand and, in the event that Thailand establishes her exclusive economic zone, this same line shall also constitute the boundary between the exclusive economic zone of Burma and the exclusive economic zone of Thailand.

...

Article 2

1. The geographical coordinates of Points Nos. 1 to 6 specified in Article 1 are derived from the 1948 edition of British Admiralty Chart No. 3052, re-published in 1975, and those of Points Nos. 7 to 9 from the 1975 edition of British Admiralty Chart No. 830 published on 3rd January 1975. The lines connecting the said points are indicated on British Admiralty Chart No. 830, published on 3rd January 1975, attached as an Annex to this Agreement.

2. The actual location of these points at sea and of the lines connecting them shall be determined by a method to be mutually agreed upon by the hydrographic experts authorized for this purpose by the two Governments.

(b) Analysis.

The following chart regarding the agreement between the governments of the Socialist Republic of the Union of Burma and the Kingdom of Thailand is extracted from Limits in the Seas, No. 102, "Maritime Boundary: Burma-Thailand," January 30, 1985:

<u>Turn/Term. Pt.</u>	<u>Dist. btwn. Bound.Pts. (nm)</u>	<u>Nearest Burmese Territory</u>	<u>Dist. Land To Bound. Pt. (nm)</u>	<u>Nearest Thai Territory</u>
1	4.7	Murray Island	4.0 4.0	Stork Island
2	1.0	Murray Island/ Christie Island	6.1 6.2	46 Ft. Island

3	5.7	Christie Island/ Haycock Island	6.7 6.8	46 Ft. Island
4	2.0	Haycock Island	10.3 10.0	Ko Surin Nua (Ko Sindrar Island)
5	6.0	Haycock Island	11.9 11.8	Ko Surin Nua
6	11.3	Haycock Island	17.0 17.0	Ko Surin Nua
7	56.5	Western Rocky Island	27.5 27.6	Pachumba Island
8	54.0	South Twin Island	81.5 81.9	Pachumba Island
9 **		South Twin Island	132.8 133.5	Pachumba Island
Total	141.2			
Mean	17.6			

** Distance to Tillanchong Island in the Nicobar Archipelago (India) 134.5 nm. The estimated Burma-India-Thailand tripoint (9°36'29" N, 95°35'41" E) lies approximately 1.5 nm from point 9.